

# United States District Court

WESTERN DISTRICT OF NEW YORK

## AMENDED JUDGMENT IN A CIVIL CASE

CASE NUMBER: 6:01-CV-6329

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

**Plaintiff**

v.

**EVERDRY MARKETING AND MANAGEMENT, INC.,  
EVERDRY MANAGEMENT SERVICES, INC., a/k/a  
EVERDRY WATERPROOFING, and  
EVERDRY OF ROCHESTER,**

**Defendants.**

☒ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED that judgment is granted in favor of the plaintiff  
EEOC and it is directed that**

As to claimant Stephanie DiStasio, defendants EMM and EMS are jointly and severally liable for actual and nominal damages for lost wages (relating to Constructive Discharge) in the amount of \$1,000.00 and actual and nominal damages (relating to Emotional Distress and Mental Anguish) in the amount of \$30,000.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00; and it is further directed that in accordance with the Court's June 3, 2008 Order and the parties' June 23, 2008 Stipulation, pre-judgment interest in the amount of \$346.00 shall be applied on Stephanie DiStasio's back pay award; and it is further directed that

As to claimant Lorraine Backus, defendants EMM and EMS are jointly and severally liable for actual or nominal damages in the amount of \$30,000.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00; and it is further directed that

As to claimant Jessica Buckner, defendants EMM and EMS are jointly and severally liable for actual or nominal damages in the amount of \$29,250.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00; and it is further directed that

As to claimant Melanie Buckner, defendants EMM and EMS are jointly and severally liable for actual or nominal damages in the amount of \$22,500.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00; and it is further directed that

As to claimant Catherine Clauss, defendants EMM and EMS are jointly and severally liable for actual or nominal damages in the amount of \$9,000.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00; and it is further directed that

As to claimant Lill Cocilova, defendants EMM and EMS are jointly and severally liable for actual or nominal damages in the amount of \$22,500.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00; and it is further directed that

As to claimant Danielle Doty, defendants EMM and EMS are jointly and severally liable for actual or nominal damages in the amount of \$22,500.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00; and it is further directed that

As to claimant Nancy Hoffmeier, defendants EMM and EMS are jointly and severally liable for actual or nominal damages in the amount of \$18,000.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00; and it is further directed that

As to claimant Ashley Houghton, defendants EMM and EMS are jointly and severally liable for actual or nominal damages in the amount of \$9,000.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00; and it is further directed that

As to claimant Kyley O'Brien, defendants EMM and EMS are jointly and severally liable for actual or nominal damages in the amount of \$4,500.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00; and it is further directed that

As to claimant Meghann Powell, defendants EMM and EMS are jointly and severally liable for actual or nominal damages in the amount of \$4,500.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00; and it is further directed that

As to claimant Anna Stevenson, defendants EMM and EMS are jointly and severally liable for actual or nominal damages in the amount of \$30,000.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00; and it is further directed that

As to claimant Jennifer Zazzaro, defendants EMM and EMS are jointly and severally liable for actual or nominal damages in the amount of \$30,000.00, and defendant EMM is liable for punitive damages in the amount of \$16,000.00, and defendant EMS is liable for punitive damages in the amount of \$4,000.00.

Date: July 2, 2008

RODNEY C. EARLY  
CLERK of the COURT

s/Rosemarie M. Eby  
By: ROSEMARIE M. EBY  
Deputy Clerk